



00862.022377.1

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Yoshiharu KATAOKA

Application No.: 10/801,722

Filed: March 17, 2004

For: ALIGNMENT METHOD AND
EXPOSURE APPARATUS USING
THE METHOD)
: Examiner: S. W. Smoot
)
: Group Art Unit: 2813
)
: Confirmation No.: 1892
)
:
) November 14, 2005
: (Monday after Federal
) Holiday on Friday)**Mail Stop Amendment**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

Transmitted herewith is a Response to Restriction Requirement in the above-identified application.

☒ No additional fee is required.

The fee has been calculated as shown below:

CLAIMS AS AMENDED						
	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NO. PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE	ADDITIONAL FEE
TOTAL CLAIMS	16	MINUS	20	= 0	x \$25 \$50	\$0.00
INDEP. CLAIMS	2	MINUS	3	= 0	x \$100 \$200	\$0.00
Fee for Multiple Dependent claims \$180/\$360						—
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT						\$0.00

☐ °Verified Statement claiming small entity status is enclosed, if not filed previously.

☐ A check in the amount of \$_____ is enclosed including the additional claims fee.

☐ Charge \$_____ to Deposit Account No. 06-1205.

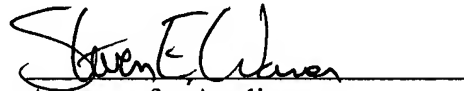
☒ Any prior general authorization to charge an issue fee under 37 CFR 1.18 to Deposit Account No. 06-1205 is hereby revoked. The Commissioner is hereby authorized to charge any additional fees under 37 CFR 1.16 and 1.17 which may be required during the entire pendency of this application, or to credit any overpayment, to Deposit Account No. 06-1205.

☐ A check in the amount of \$_____ to cover the fee for a two month extension is enclosed.

☐ A check in the amount of \$_____ to cover the Information Disclosure Statement fee is enclosed.

☒ Applicant's undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010 All correspondence should continue to be directed to our address given below.

Respectfully submitted,


Attorney for Applicant
Steven E. Warner
Registration No. 33,326

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SEW/eab

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RESPONSE TO RESTRICTION REQUIREMENT

Sir:

Applicant respectfully traverses the restriction requirement set forth in the Office Action dated October 11, 2005.

The Office Action sets forth a restriction requirement between two groups of claims: Group I, claims 18-28, is drawn to an exposure method of exposing a substrate to a pattern, and is classified in class 438, subclass 16; and Group II, claims 29-33, is drawn to an exposure apparatus for exposing a substrate to a pattern, and is classified in class 250, subclass 499.22.

The Examiner asserts that the inventions of Groups I and II are related as process and apparatus for its practice, and have acquired a separate status in the art as shown by their different classification such that separate examination is required. These contentions are respectfully traversed.

Applicant submits that the inventions of Groups I and II are closely related in the field of exposing a substrate to a pattern that a proper search of any of the claims would, of necessity, require a search of the others. Thus, it is submitted that all of the claims can be searched simultaneously, and that a duplicative search, with possibly inconsistent results, may occur if the restriction requirement is maintained.

Applicant further submits that any nominal burden placed upon the Examiner to search an additional subclass or two, necessary to determine the art relevant to Applicant's overall invention, is significantly outweighed by the public interest in not having to obtain and study several separate patents in order to have available all of the issued patent claims covering Applicant's invention. The alternative is to proceed with the filing of another application, consisting of the same disclosure, and being subjected to substantially the same search, perhaps by a different Examiner on a different occasion. This places an unnecessary burden on both the Patent and Trademark Office and on Applicant.

In the interest of economy, for the Office, for the public-at-large and for Applicant, reconsideration and withdrawal of the restriction requirement are respectfully requested.

Nevertheless, in order to comply with the requirements of 37 CFR 1.143, Applicant provisionally elects, with traverse, to prosecute the invention of Group I, namely claims 18-28.

Favorable consideration and an early passage to issue are also requested.

Applicant's undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should be directed to our address listed below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Steven E. Warner", with a horizontal line extending to the right.

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